

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte QUENTIN J. CLARK, LARA N. DILLINGHAM, JUSTIN GRANT, BOYD C. MULTERER, ORI M. AMIGA, KENT S. SCHLITER, ROGER W. SPRAGUE, ALEXANDER M. SUTTON, and DANIEL T. TRAVISON

Appeal No. 2006-2732  
Application No. 09/606,383

ON BRIEF<sup>1</sup>



Before KRASS, MACDONALD, and HOMERE, Administrative Patent Judges.

HOMERE, Administrative Patent Judge.

**DECISION ON APPEAL**

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1 through 48, all of which are pending in this application.

We affirm.

<sup>1</sup> Appellants' attendance at the Oral Hearing set for November 19, 2006 was waived in a fax communication received on September 22, 2006.

***Invention***

Appellants' invention relates generally to a user interface (40) for managing and displaying a collection of entities (20) (e.g. independent servers) operating as a single entity (30). First, the interface (40) displays a representation of the collection of entities (20a, 20b, 20c, 20d) as a single entity (30) in such a way that when an action is performed on the collection of entities, the action is propagated to the collection of members. Further, the interface also displays a representation of each individual member of each entity in such a way that when an action is performed on an individual member associated with an entity, the action is then directed to the individual member.

Claim 1 is representative of the claimed invention and is reproduced as follows:

1. A user interface to display and manage a plurality of entities as if a single entity, comprising:

    a representation of a collection of members as a single entity, and

    an individual representation of each member associated with the entity;

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wherein if an action is performed on the representation of the collection of members, then the action is propagated to the collection of members, if the action is performed on the representation of the member associated with the entity, then the action is directed to the member.

#### **References**

The Examiner relies on the following references:

Bradley et al. (Bradley)	6,584,507	Jun. 24, 2003 (filed on Mar. 24, 1999)
Chin et al. (Chin)	6,456,306	Sep. 24, 2002 (filed on Jun. 8, 1995)
Pettigrew	6,456,300	Sep. 24, 2002 (filed on Mar. 31, 1999)
Richardson	6,271,845	Aug. 7, 2001 (filed on Mar. 10, 2000)
Manghirmalami et al. (Manghirmalami)	5,819,028	Oct. 6, 1998

#### **Rejections at Issue**

A. Claims 1 through 5, 7, 9 through 21, 23 through 25 and 31 through 48 stand rejected under 35 U.S.C. § 102 as being anticipated by Chin.

B. Claims 6 and 8 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Chin and Richardson.

C. Claims 22 and 26 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Chin and Manghirmalami.

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D. Claims 27 through 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Chin and Bradley.

Rather than reiterate the arguments of Appellants and the Examiner, the opinion refers to respective details in the Briefs<sup>2</sup> and the Examiner's Answer<sup>3</sup>. Only those arguments actually made by Appellants have been considered in this decision. Arguments that Appellants could have made but chose not to make in the Briefs have not been taken into consideration. See 37 CFR 41.37(c)(1) (vii) (eff. Sept. 13, 2004).

#### OPINION

In reaching our decision in this appeal, we have carefully considered the subject matter on appeal, the Examiner's rejections, the arguments in support of the rejections and the evidence of anticipation and obviousness relied upon by the Examiner as support for the rejections. We have, likewise, reviewed and taken into consideration Appellants' arguments set forth in the Briefs along with the Examiner's rationale in support of the rejections and arguments in the rebuttal set forth in the Examiner's Answer.

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<sup>2</sup> Appellants filed an Appeal Brief on January 5, 2005. Appellants filed a Reply Brief on June 3, 2005.

<sup>3</sup> The Examiner mailed a corrected Examiner's Answer on April 18, 2006. The Examiner mailed an office communication on August 25, 2005 stating that the Reply Brief has been entered and considered.

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After full consideration of the record before us, we agree with the Examiner that claims 1 through 5, 7, 9 through 21, 23 through 25 and 31 through 48 are properly rejected under 35 U.S.C. § 102 as being anticipated by Chin. We also agree with the Examiner that claims 6 and 8 are properly rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Chin and Richardson. We further agree with the Examiner that claims 22 and 26 are properly rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Chin and Manghirmalami. Additionally, we agree with the Examiner that claims 27 through 30 are properly rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Chin and Bradley. Accordingly, we affirm the Examiner's rejections of claims 1 through 48 for the reasons provided in the Examiner's Answer, as further expanded upon in this opinion, and for the reasons set forth *infra*.

**I. Under 35 U.S.C. § 102(e), is the Rejection of claims 1 through 5, 7, 9 through 21, 23 through 25 and 31 through 48 as Being Anticipated By Chin Proper?**

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of

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the claim. **See In re King**, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and **Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.**, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

With respect to representative claim 1, Appellants argue in the Appeal and Reply Briefs that the Chin reference does not disclose the limitation of propagating an action to the members of a collection when said action is performed on a representation of the collection of members. Particularly, at pages 4 and 5 of the Appeal Brief, Appellants state that "while Chin et al. discloses viewing members of a collection (Figs. 3 and 6), it does not disclose *propagating an action to a collection of members if an action is performed on a representation of the collection of members* as in the claimed invention."

To determine whether claim 1 is anticipated, we must first determine the scope of the claim. We note that representative claim 1 reads in part as follows:

[I]f an action is performed on the representation of the collection of members, then the action is propagated to the collection of members.

At page 9, lines 6 through 18, Appellants' specification states the following:

Alternatively, the user interface enables individual performance to be monitored from any of the displays 34a through 34e by selecting a particular member from a context menu (not shown) as will be described in more detail below. Furthermore, entity configurations may be modified from any of the user interfaces 40 by enabling the user to provide input to the interface and thereby distribute resultant modifications throughout the entity 30. This may be achieved for example, by providing the user input to the controller described above wherein the controller may then distribute the modified configuration throughout the entity 30. It is to be appreciated that other distribution systems may be provided. For example, rather than have entity resources centrally distributed and aggregated at the controller, individual members 20a-20d may share a master file (e.g., XML) describing the resources and content of each member. As new members are added to the entity 30, the resources and content may be distributed/received from any of the members 20a-20d according to the master file.

Thus, representative claim 1 does require propagating an action to the members of a collection when said action is performed on a representation of the collection of members.

Now, the question before us is what Chin would have taught to one of ordinary skill in the art? To answer this question, we find the following facts:

At column 2, lines 27 through 49, Chin states the following:

With reference to FIG. 1, the Enterprise Command Center logically divides the network devices and objects of an enterprise network into a plurality of

sites, for example, sites 101 (a), 101(b) and 101(c). As illustrated in FIG. 3, the network manager, using the Enterprise Command Center graphical user interface (GUI), obtains better visibility of the network from the site level down to the device level within a single window 300. By selecting a site at site pane 310, the network manager is then able to select a particular type of device or object folder, e.g., a hub folder, from resources pane 320. Selecting a folder from resources pane 320 displays all network devices of the type indicated by that folder, e.g., of the type hub, at the contents pane 330. This visibility into the network allows the network manager to quickly navigate to a particular network device or object according to device type to initiate configuration, performance, fault, and security management tasks. A cursor control device such as a mouse may be used to click and drag a network device icon from contents pane 330 and drop the icon on one of a number of tool icons available in the tools bar 340 to initiate, or launch, one of the aforesaid tasks represented by the tool icon.

With the above discussion in mind, we find that with regard to representative claim 1, the Chin reference teaches a method for allowing a user to concurrently display within a single window (300) the health statuses of all network devices within a computer network. Particularly, Chin teaches a graphical user interface (GUI), wherein network devices are depicted to be grouped by categories in different folders (310, 320). Chin further teaches that upon the network manager's selection of a folder to display a corresponding category (e.g. HUB), the GUI displays the individual network devices (300) within the specified category to

thereby 'allow the user to obtain a better visibility of the network from the site level down to the device level within a single window'. It is our view that one of ordinary skill in the art at the time of the present invention would have readily found that Chin's teaching of displaying the individual network devices within a category selected to be viewed amounts to the claimed limitation of propagating to the members of a collection an action performed on a representation of the collection of members. The ordinarily skilled artisan would have duly recognized that the action that the Chin reference suggests to be performed consists in "displaying" the selected category. Thus, the ordinarily skilled artisan would be readily apprised of the fact that by teaching the display of the contents (individual devices) of the selected category to be viewed, Chin does necessarily teach propagating the action of displaying to the individual members of the selected category representing the collection of members. Consequently, we do not find error in the Examiner's stated position, which concludes that Chin teaches the limitation of propagating an action to the members of a collection when said action is performed on a representation of the collection of members. It is therefore our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art

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would have suggested to the ordinarily skilled artisan the invention as set forth in claims 1 through 5, 7, 9 through 21, 23 through 25 and 31 through 48. Accordingly, we will sustain the Examiner's rejection of 1 through 5, 7, 9 through 21, 23 through 25 and 31 through 48.

**II. Under 35 U.S.C. § 103, is the Rejection of Claims 6 and 8 as being unpatentable over the combination of Chin and Richardson Proper?**

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a **prima facie** case of obviousness. **In re Oetiker**, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). **See also In re Piasecki**, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. **In re Fine**, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. **See also Piasecki**, 745 F.2d at 1472, 223 USPQ at 788. Thus, the examiner must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which

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the findings are deemed to support the examiner's conclusion. However, a suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, as the teaching, motivation, or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. **In re Kahn**, 441 F.3d 977, 987-88, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) citing **In re Kotzab**, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000). See also **In re Thrift**, 298 F.3d 1357, 1363, 63 USPQ2d 2002, 2008 (Fed. Cir. 2002).

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and argument." **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." **In re Lee**, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

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With respect to claims 6 and 8, Appellants argue in the Appeal and Reply Briefs that the combination of Chin and Richardson does not teach claimed invention. Particularly, Appellants assert that Chin does not teach the limitation of propagating an action to the members of a collection when said action is performed on a representation of the collection of members. We have already addressed this argument in the discussion of claim 1 above, and we disagree with Appellants. Further, Appellants argue that Richardson does not cure the deficiencies of Chin. We find no such deficiencies in Chin for Richardson to cure. It is therefore our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to the ordinarily skilled artisan the invention as set forth in claims 6 and 8. Accordingly, we will sustain the Examiner's rejection of claims 6 and 8.

**III. Under 35 U.S.C. § 103, is the Rejection of Claims 22 and 26 as being unpatentable over the combination of Chin and Manghirmalani Proper?**

With respect to claims 22 and 26, Appellants argue in the Appeal and Reply Briefs that the combination of Chin and Manghirmalani does not teach claimed invention. Particularly, Appellants assert that Chin does not teach the limitation of

propagating an action to the members of a collection when said action is performed on a representation of the collection of members. We have already addressed this argument in the discussion of claim 1 above, and we disagree with Appellants. Further, Appellants argue that Manghirmalani does not cure the deficiencies of Chin. We find no such deficiencies in Chin for Manghirmalani to cure. It is therefore our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to the ordinarily skilled artisan the invention as set forth in claims 22 and 26. Accordingly, we will sustain the Examiner's rejection of claims 22 and 26.

**IV. Under 35 U.S.C. § 103, is the Rejection of Claims 27 through 30 as being unpatentable over the combination of Chin and Bradley Proper?**

With respect to claims 27 through 30, Appellants argue in the Appeal and Reply Briefs that the combination of Chin and Bradley does not teach claimed invention. Particularly, Appellants assert that Chin does not teach the limitation of propagating an action to the members of a collection when said action is performed on a representation of the collection of members. We have already addressed this argument in the discussion of claim 1 above, and we disagree with Appellants.

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Further, Appellants argue that Bradley does not cure the deficiencies of Chin. We find no such deficiencies in Chin for Bradley to cure. It is therefore our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to the ordinarily skilled artisan the invention as set forth in claims 27 through 30. Accordingly, we will sustain the Examiner's rejection of claims 27 through 30.

#### **CONCLUSION**

In view of the foregoing discussion, we have sustained the Examiner's decision rejecting claims 1 through 5, 7, 9 through 21, 23 through 25 and 31 through 48 under 35 U.S.C. § 102. We have also sustained the Examiner's decision rejecting claims 6, 8, 22, 26 through 30 under 35 U.S.C. § 103. Therefore, we affirm.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

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**AFFIRMED**

*Errol A. Krass*  
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Administrative Patent Judge )  
  
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